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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Brenda Heilman,

10 Plaintiff,

11 v.

12 Commissioner of Social Security  
13 Administration,

14 Defendant.

No. CV-25-01322-PHX-DJH

**ORDER**

15 The parties have filed a Joint Stipulation for Award of Attorney Fees under the  
16 Equal Access to Justice Act (“EAJA”) (Doc. 13). Plaintiff, through counsel, seeks  
17 \$2,115.45 in attorney fees. (*Id.* at 1).


18 In any action brought by or against the United States except one sounding in tort,  
19 the EAJA provides that “a court shall award to a prevailing party other than the United  
20 States fees and other expenses in addition to any costs . . . unless the court finds that the  
21 position of the United States was substantially justified.” 28 U.S.C. § 2412(d)(1)(A);  
22 *Tobeler v. Colvin*, 749 F.3d 830, 832 (9th Cir. 2014). Under the EAJA, “attorneys’ fees  
23 are to be awarded to a party winning a . . . remand unless the Commissioner shows that  
24 his position with respect to the issue on which the district court based its remand was  
25 “substantially justified.” *Lewis v. Barnhart*, 281 F.3d 1081, 1083 (9th Cir.2002) (quoting  
26 *Flores v. Shalala*, 49 F.3d 562, 568–69 (9th Cir. 1995)). Under *Astrue v. Ratliff*, 560  
27 U.S. 586, 595–98 (2010), EAJA fees awarded by the Court belong to Plaintiff and are  
28 subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B)).

1 Accordingly,

2 **IT IS ORDERED** that the Joint Stipulation for Attorney Fees Under the Equal  
3 Access to Justice Act (Doc. 13) is **GRANTED**. Plaintiff is awarded \$2,115.45 in  
4 attorney fees. Any check for EAJA fees shall be mailed to Plaintiff's counsel: Robin  
5 Larkin; Larkin & Fern, PLLC; 301 E. Bethany Home Rd., Ste. C-186; Phoenix, AZ  
6 85012.

7 **IT IS FURTHER ORDERED** that if, after receiving this Order, the  
8 Commissioner: (1) determines upon effectuation of this Order that Plaintiff does not owe  
9 a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive  
10 the requirements of the Anti-Assignment Act, 31 U.S.C. § 3727(b), the fees will be made  
11 payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury  
12 Offset Program, the remaining EAJA fees after offset will be paid by check made out to  
13 Plaintiff but delivered to Plaintiff's attorney.

14 Dated this 28th day of August, 2025.

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18 Honorable Diane J. Humetewa  
United States District Judge  
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